

Police defend use of wiretaps

Leak put lives at risk, Edmonton chief says

BY BRIAN LAGHI
Alberta Bureau

EDMONTON — Edmonton's police chief has defended his department against allegations that it tried to muzzle its officers by obtaining the right to intercept the personal conversations of three Edmonton news reporters.

Chief John Lindsay told reporters yesterday that wiretaps, approved by a judge last winter, were necessary for an investigation into the unauthorized release of a police document that included the names of police informants whose lives could have been endangered had they been identified.

"That document contains the names and identities of many individuals who'd been informants of the Edmonton Police Service," Mr. Lindsay said.

"It was not what you might call the typical release of a relatively small issue. It was a very major release — unauthorized — which might easily have compromised those individuals, to the extent of personal injury or even death."

The issue became public last week, when the Attorney-General's Department informed a local television reporter that her personal conversations and correspondence may have been intercepted for two months last winter as part of a criminal investigation into the leak. After two other reporters from local newspapers received similar notices this week, civil libertarians and lawyers challenged police to justify their actions.

The leaked document was part of an investigation into an unnamed member of the city's police commission. Police have said the principal suspects in the leak are police officers.

"It's not dealing with a small issue of an internal whistle blower," Mr. Lindsay said. "It's a significant concern."

The Globe and Mail, Thursday, June 18, 1998

National News

Still, some critics wondered whether the wiretap was an attempt by Edmonton police to prevent members of the force from leaking additional sensitive information.

"I'm fearful that the approach the police service has taken on this issue may send a very clear message that, if you do this again, we will go to great lengths to find you out and we will deal with you accordingly," said Robert Noce, an Edmonton city councillor and member of the police commission.

It has not been established whether the police tapped the phones of reporters directly, or tapped the phones of suspect officers whom they believed might communicate with the reporters. Mr. Lindsay said yesterday that the Criminal Code prohibits him from confirming the subject of the wiretap.

Edmonton lawyer Shirish Chotalia said there are grounds for a constitutional challenge if a journalist's phone is directly tapped.

Ms. Chotalia, a member of the Alberta Civil Liberties Association, said the reasons for a wiretap are normally sealed from public view, which makes it impossible for individuals to find out why they were tapped.

Individuals who have been arrested can see the evidence in an effort to defend themselves from an illegal warrant, but those who have been tapped and are not charged with an offence are almost always unsuccessful in getting access to the reasons for the surveillance.

She said that previous Supreme Court judgments on the matter have been vague with respect to whether journalists enjoy any extra rights against surveillance.

"How do we know that police do not put fraudulent information in front of a justice to obtain [the warrant]," she said.

Edmonton Sun editor-in-chief Paul Stanway said the police can help their cause by indicating which phones were tapped, and whether a direct tap was put on the phones of its reporter.

"It could be almost nothing, or it could be extremely serious," he said, adding that the paper may take legal action to find out why the wiretap was sought.

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ARREST

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She gave birth to a six-pound baby boy — her seventh child — and was later sent back to jail.

"Some intervention was very necessary," Lindsay said. "Really, there aren't any tools available beyond what we used, which was the power of arrest."

Social Services refused to say Wednesday if the baby is in the department's custody.

A department spokesperson said children are often apprehended if the parents are unable to look after them properly.

Family members said the baby was not eating properly at first, but he's doing better now.

The baby was released from hospital Wednesday.

Reid is anxious to get out of jail and get her life back on track so she can look after her baby, said Brian Shanks, a worker from Native Counselling Services who represented her in court.

"That was her main concern, getting out of jail and looking after her child," Shanks said.

"This is the first time I've heard her say she wants counselling."

He asked the judge to spare Reid jail time, but Shanks said it may be good for her if she gets the help she needs.

However, an Edmonton human rights lawyer said police were out of line to take the drastic step of arresting the woman.

"I think it's highly improper to use a pregnant woman that they perceive to be sniffing glue on the street as a test

"We would like to see the provincial and federal legislators have a look at this and realize the gap in the safety net."



— Sgt. Bryan Boulanger

case. I just find that offensive," Shirish Chotalia said.

"They can make submissions to the MLAs, they can go to the legislature, they can do all sorts of things."

"This is not acceptable in a democracy."

Police only wanted to help the woman, said police information officer Sgt. Bryan Boulanger. By law, they must charge solvent abusers before they can get help for them.

"If she was hitting herself with a hammer, we could have taken her in under the Mental Health Act," Boulanger said.

"I know it's controversial, but it's with the best intentions."

"We would like to see the provincial and federal legislators have a look at this and realize the gap in the safety net."

The situation is similar to a 1996 case in Winnipeg in which Social Services ordered a pregnant woman to remain in treatment for solvent and glue sniffing addiction.

The Supreme Court later ruled it is the role of Parliament, not the courts, to decide the rights of the unborn.

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